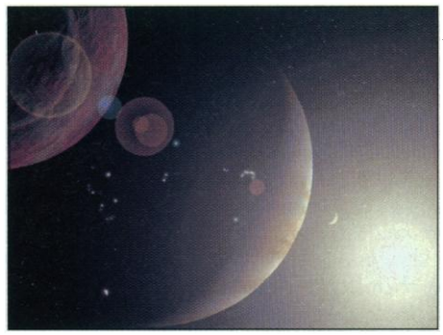
edited by JOCELYN KAISER

Clinton Vetoes Telescope Project

Two weeks after President Clinton wielded his pen to cross out an asteroid mission in Congress's 1998 Defense Department budget (*Science*, 24 October, p. 563), another space science project has fallen to the new line-item veto: a $10 million effort to build instruments that could aid researchers in their quest for planets beyond our solar system.

At the urging of university lobbyists, Congress set aside $10 million in the NASA budget for extra instruments on two optical telescopes: a coronagraph for Gemini, which is being built in Chile, and an optical technology test-bed for a telescope at Steward Observatory in Arizona. But NASA had not requested funding for these devices and is already investing in similar technologies to search for extrasolar planets, according to a White House statement. Several other NASA budget items that were added by lawmakers survived Clinton's scrutiny, however. Those pork projects—unlike the telescope earmark—had strong backing from legislators whose districts and states would benefit from them.



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Too far out. Earmark for exoplanet search instruments didn't survive line-item veto.

But whether the line-item veto will stand isn't certain. The Supreme Court could hear a case on its constitutionality, while the Senate last week voted overwhelmingly to reject similar vetoes in the defense bill. It's not clear whether the House will follow suit, or has the votes to override the president's line-item vetoes.

Rough Sledding Ahead for FDA Candidate?

The White House appears to be close to tapping a nominee for Food and Drug Administration (FDA) commissioner, a post vacant since David Kessler left the agency last February for Yale. But the leading candidate may run into opposition from some industry groups.

The top choice, sources say, is physician Jane Henney, who served as deputy commissioner for operations at FDA from 1992 to 1994 before becoming vice president of the health sciences department at the University of New Mexico, Albuquerque. The Administration was expected to begin sounding out reaction to Henney on Capitol Hill as soon as this week, as House and Senate conferees were putting final touches on an FDA reform bill.

But some factors threaten to torpedo the nomination. For one, Henney is said to be backed by Senator Edward Kennedy (D–MA)—the key Senate holdout this year against the FDA reform bill—which makes industry analysts question how receptive she would be to industry-backed proposals to speed product approvals. And Jeff Kimball, executive director of the Medical Device Manufacturers Association in Washington, D.C., says his organization is "trying to find out" what role Henney may have played in FDA's decision in 1992 to restrict the use of silicone in breast implants, which he claims has hindered its use in other devices. "If ... she was directly involved, we will directly lobby against her appointment," Kimball says. Henney did not return calls from *Science*, and a White House aide said only that the list was down to "a few names."

Another rumored candidate—Janet Woodcock, now chief of FDA's Center for Drug Evaluation and Research—may get a warmer reception. Jeff Trewhitt of the Pharmaceutical Research Manufacturers Association in Washington, D.C., describes Woodcock as a "very competent, cooperative, bright administrator" who has implemented such industry-backed steps as FDA's user-fee program. The nomination has moved slowly to this point, and one industry source predicts the White House may not announce its final choice until January.

Congress May Grant Academy's Wish

The Supreme Court last week declined to consider a decision that would force the National academy of Sciences to abide by government openness rules, an outcome that NAS President Bruce Alberts described as "deeply disappointing." Meanwhile, however, the academy's bid to convince Congress to grant it an exemption from the Federal Advisory Committee Act (FACA) is picking up steam (*Science*, 31 October, p. 791).

A House government reform subcommittee planned to hold a hearing on the matter on 5 November; that likely will be followed by a bill that could be passed quickly by the House and Senate, staffers say. The legislation would exempt all quasi-governmental organizations from FACA, while allowing more public access to the workings of their advisory committees.

The White House is likely to go along. Although the Administration refused to join with the academy in taking the FACA matter to the Supreme Court, White House Budget Director Franklin Raines supports the exemption. He warned Congress in a 28 October letter that the court's decision could cause a huge increase in advisory panels that the federal government must oversee.

Firm Pays Dearly for Suppressed Study

In what may serve as a cautionary tale for the cutthroat world of drug research, Knoll Pharmaceutical Co. has agreed to pay at least $98 million to settle dozens of lawsuits charging that the company cheated consumers by suppressing publication of a study on one of its drugs.

The study, sponsored by Boots Pharmaceuticals (since acquired by Knoll) and performed 7 years ago by Betty Dong's group at the University of California, San Francisco, concluded that cheaper generic thyroid drugs were "interchangeable" with the drug Synthroid. But Knoll, which claims the study is flawed, allowed Dong to publish the work in *The Journal of the American Medical Association* (*JAMA*) only last spring, after unwelcome publicity (*Science*, 25 April, p. 525). The class-action lawsuits claim that consumers needlessly spent billions of dollars on the more expensive brand during the period the study was suppressed. The proposed settlement, announced 30 October, would guarantee that at least 5 million patients who used Synthroid over the past 7 years could each receive about $20 before legal fees.

Ironically, the company—which admits no wrongdoing—may have had little to lose by allowing Dong to publish her study in the first place. At a press conference to explain the settlement, Knoll President Carter Eckert said that Synthroid's market share has not changed since the *JAMA* article's publication. The U.S. District Court in Chicago is expected to give its final approval to the settlement next March.